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February 26, 2004

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The Honorable Tom Ridge  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Ridge:

We are writing to urge you to use your authority under the provisions of section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254, to designate the Republic of Haiti for Temporary Protected Status. This designation is desperately needed in view of the escalating violence in Haiti. Groups opposed to the government have mounted demonstrations and attacked government facilities around the country, and pro-government supporters have responded with violence. Haiti's security environment has been deteriorating and the Haitian National Police are unable to provide any modicum of protections to Haitian citizens. All semblance of law and order has already collapsed in much of the country, including the densely populated cities of Gonaives and Cap-Haitien. Even worse violence is expected when the rebel units reach Port-au-Prince.

The situation is so dangerous that the U.S. Embassy in Haiti has been closed several times recently. The State Department has urged American citizens to leave Haiti in view of the deteriorating security situation, and President Bush sent Marines to Haiti to secure the safe departure of Americans. U.S. and international efforts to broker a political solution have also failed and have had no effect on the continuing violence.

This unfortunate situation meets the standard for Temporary Protected Status (TPS) designation on two different bases. Under section 244(b)(1)(A), a foreign state may be designated for TPS "when there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to part of the state) would pose a serious threat to their personal safety." Furthermore, section 244(b)(1)(C) of the INA provides that a TPS designation can be made when "there exists extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from

returning to the state in safety”.

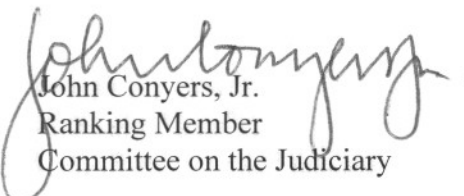
In particular, we believe a TPS designation is needed during this period because Haiti is “unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state”. During the last few months, the Department of Homeland Security has continued to return asylum-seekers to Haiti. Certainly, it is beyond dispute that returning aliens to Haiti at this time would pose a serious threat to their personal safety. Indeed, doing so may well imperil their lives.


The situation in Haiti is not unlike the political crises that befell Liberia, Somalia, Sierra Leone, Kosovo province in Yugoslavia, and Bosnia-Herzegovina in recent years. The United States designated those countries and region for TPS and such designation is well-warranted for Haiti.

We trust that you recognize the intense urgency of the situation in Haiti and that you will issue a TPS designation immediately. Furthermore, we request a meeting with you on this matter as soon as possible to ensure the immediate protection of Haitians in the United States.

Thank you for your consideration of this request.

Sincerely,

  
John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary

  
Sheila Jackson Lee  
Ranking Member  
Subcommittee on Immigration,  
Border Security and Claims

cc: Honorable F. James Sensenbrenner, Jr.  
Chairman, Judiciary Committee

Ms. Pamela Turner  
Director, Homeland Security Legislative Affairs